

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WYLIE MILLS, pro se,)	
individually and on behalf of)	No. CV-05-3057-LRS
other inmates confined in the)	
Yakima County Jail similarly)	ORDER OF DISMISSAL
situated,)	
)	
Plaintiffs,)	
)	
v.)	
)	
KEN ERWIN, Sheriff of Yakima)	
County, Washington, STEVE)	
ROBERTSON, Director of Jail,)	
RON GAMACHE, JESSE PALACIOS,)	
MIKE LEITA, COUNTY)	
COMMISSIONERS FOR THE COUNTY OF)	
YAKIMA, individually and in)	
their official capacities,)	
)	
Defendants.)	

On July 14, 2005, the Court issued an ORDER TO AMEND (Ct. Rec. 5), requiring Plaintiff Wylie Mills, a former prisoner at the Yakima County Jail, to file an amended complaint complying with Federal Rule of Civil Procedure 8(a). Plaintiff filed a First Amended Complaint titled "Overcrowding" [sic] on August 18, 2005 (Ct. Rec. 7), which the Court finds fails to correct all deficiencies recited in Ct. Rec. 5.

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1 Plaintiff continues to pursue this *pro se* civil rights
2 complaint as a "class action" pursuant to 42 U.S.C. § 1983 and Rule
3 23 of the Federal Rules of Civil Procedure, asserting Defendants
4 engaged in a series of acts that allegedly deprived Plaintiff Mills
5 and a class of persons confined or facing the prospect of being
6 confined in the Yakima County Jail. (Ct. Rec. 7.) As a *pro se*
7 litigant and for the reasons previously set forth in the court
8 record, Plaintiff is not legally qualified to pursue claims on
9 behalf of other inmates.

10 Liberally construing Plaintiff's First Amended Complaint, the
11 Court finds that it does not set forth specific facts upon which the
12 Plaintiff relies in claiming the liability of each Defendant. The
13 First Amended Complaint fails to include sufficient facts to
14 establish federal subject-matter jurisdiction.

15 **IT IS ORDERED** that the above-titled case be dismissed without
16 prejudice and the file be closed in this matter.

17 **IT IS SO ORDERED.** The District Court Executive is directed to
18 file this Order and provide a copy to named Plaintiffs.

19 DATED this 27th day of September, 2005.

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21 *s/Lonny R. Suko*

22 _____
23 LONNY R. SUKO
24 UNITED STATES DISTRICT JUDGE
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